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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13
14 BEACHBODY, LLC, a Delaware
Limited Liability Company,

15 Plaintiff,

16 v.

17 RICHARD POTIER, an Individual; and
18 DOES 1-10, Inclusive,

19 Defendants.

Case No.: CV14-02128 JAK (SHx)

**PERMANENT INJUNCTION
AGAINST DEFENDANT
RICHARD POTIER AND
DISMISSAL OF ENTIRE ACTION,
WITH PREJUDICE JS-6**

Hon. Judge John A. Kronstadt

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21 The Court, pursuant to the Stipulation for Entry of Final Judgment,
22 including Permanent Injunction (“Stipulation”), by and between Plaintiff
23 BEACHBODY, LLC (“Plaintiff”), on the one hand, and Defendant RICHARD
24 POTIER (“Defendant”), on the other, hereby ORDERS, ADJUDICATES and
25 DECREES that a permanent injunction shall be and hereby is entered against
26 Defendant in the above-referenced matter as follows:

27 1. **PERMANENT INJUNCTION.** Defendant and any person or entity
28 acting in concert with, or at the direction of him, including any and all agents,

servants, employees, partners, assignees, distributors, suppliers, resellers and any others over which he may exercise control, are hereby restrained and enjoined, pursuant to 15 U.S.C. § 1116, from engaging in, directly or indirectly, or authorizing or assisting any third party to engage in, any of the following activities in the United States and throughout the world:

a. copying, manufacturing, importing, exporting, marketing, selling, offering for sale, distributing or dealing in any product or service that uses, or otherwise making any use of, any of Plaintiff's BEACHBODY®, FOCUS T25®, and/or INSANITY® trademarks and copyrights, and/or any intellectual property that is confusingly or substantially similar to, or that constitutes a colorable imitation of, any of Plaintiff's BEACHBODY®, FOCUS T25®, and/or INSANITY® trademarks and copyrights, whether such use is as, on, in or in connection with any trademark, service mark, trade name, logo, design, Internet use, website, domain name, metatags, advertising, promotions, solicitations, commercial exploitation, television, web-based or any other program, or any product or service, or otherwise;

b. performing or allowing others employed by or representing him, or under his control, to perform any act or thing which is likely to injure Plaintiff, any of Plaintiff's BEACHBODY®, FOCUS T25®, and/or INSANITY® trademarks and copyrights, and/or Plaintiff's business reputation or goodwill;

c. engaging in any acts of federal and/or state trademark and/or copyright infringement, false designation of origin, unfair competition, dilution, or other act which would tend damage or injure Plaintiff; and/or

d. using any Internet domain name or website that includes any of Plaintiff's Trademarks and Copyrights, including the BEACHBODY®, FOCUS T25®, and/or INSANITY® marks or works.

2. Defendant is ordered to deliver immediately for destruction all unauthorized products, including counterfeit BEACHBODY®, FOCUS T25®,

1 and/or INSANITY® products and related products, labels, signs, prints, packages,
2 wrappers, receptacles and advertisements relating thereto in his possession or
3 under his control bearing any of Plaintiff's intellectual property or any simulation,
4 reproduction, counterfeit, copy or colorable imitations thereof, and all plates,
5 molds, heat transfers, screens, matrices and other means of making the same, to the
6 extent that any of these items are in Defendant's possession.

7 3. This Permanent Injunction shall be deemed to have been served upon
8 Defendant at the time of its execution by the Court.

9 4. The Court finds there is no just reason for delay in entering this
10 Permanent Injunction, and, pursuant to Rule 54(a) of the Federal Rules of Civil
11 Procedure, the Court directs immediate entry of this Permanent Injunction against
12 Defendant.

13 5. **NO APPEALS AND CONTINUING JURISDICTION.** No
14 appeals shall be taken from this Permanent Injunction, and the parties waive all
15 rights to appeal. This Court expressly retains jurisdiction over this matter to
16 enforce any violation of the terms of this Permanent Injunction.

17 6. **NO FEES AND COSTS.** Each party shall bear its/his own attorneys'
18 fees and costs incurred in this matter.

19 7. **DISMISSAL OF ENTIRE ACTION.** The Court hereby dismisses
20 this action in its entirety, with prejudice, upon entry of this Permanent Injunction
21 against Defendant.

22 IT IS SO ORDERED, ADJUDICATED and DECREED this 7th day of
23 August, 2014.

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25 HON. JOHN A. KRONSTADT
26 United States District Judge
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